

Criminal Justice Steering Committee
July 18, 2013
Rhode Island Department of Administration
Executive Dining Room
One Capitol Hill
Providence, RI 02908

1. Welcome, Director A.T. Wall, Chair

Director Wall welcomed everyone and opened the meeting. Director Wall noted that a quorum was present. Introductions were made.

Present:

A.T. Wall, Director, Rhode Island Department of Corrections, Chair (voting member)
Colonel Steven G. O'Donnell, Superintendent, Rhode Island State Police (voting member)
Director Craig Stenning, Behavioral Healthcare, Developmental Disabilities, and Hospitals (BHDDH) (voting member)
The Honorable Mary McElroy, Rhode Island Public Defender (voting member)
Mr. Kevin McKenna, representing Director Janice DeFrances, Rhode Island Department of Children, Youth and Families (voting member)
Ms. Jennifer Olivelli, representing Presiding Justice Alice B. Gibney, Superior Court of Rhode Island (voting member)
Ms. Danica Iacoi, Legal Counsel, Rhode Island Department of Public Safety
Ms. Gina Caruolo, Rhode Island Department of Corrections
Mr. John Scott, Rhode Island Department of Children, Youth, and Families
Mr. Kevin Richard, Family Court of Rhode Island
Mr. Patrick Burke, Superior Court of Rhode Island
Ms. Patricia Platt, Office of the Rhode Island Public Defender
Mr. Anthony Robinson, Rhode Island House of Representatives Policy Office
Mr. Thomas Mongeau, Public Safety Grants Administration Office
Mr. David LeDoux, Public Safety Grants Administration Office

2. Approval of June 20, 2013 Minutes

Director Wall asked for a motion to approve the June 20, 2013 minutes of the Steering Committee. Colonel O'Donnell moved:

**TO APPROVE THE MINUTES OF THE JUNE 20, 2013 MEETING AS
PRESENTED.**

Director Stenning seconded the motion.

Under discussion, Ms. Olivelli had corrections to the minutes.

On Page 2, Paragraph 4

- On Page 2, Change BHDDH to Attorney General
- Change the second sentence to read, "The Court had some 2011 money. . ."

On Page 2, Paragraph 5

- Change the second sentence to read: "They have an OJP grant to pay for drug testing."

- Change the third sentence to read: "The Court has a position they are funding with Byrne money for scheduling and statistics so the Adult Drug Court Manager can do case management and Probation overflow, which is now done by the Adult Drug Court Manager."
- Change the last sentence to read: "The Drug Court Manager took over these responsibilities."

**THE MOTION TO APPROVE THE MINUTES, AS CORRECTED, PASSED
UNANIMOUSLY IN THE AFFIRMATIVE.**

**3. Discussion of FY 2013 Edward Byrne Memorial Justice Assistance Grant Program
Allocations – David LeDoux**

Director Wall stated that there are far more requests than can be funded with the money that is available. He asked the committee if it would like to do an across-the-board percentage cut or eliminate programs. Either way, a vote will be required by the Steering Committee. If the committee votes, it will be open and become a public record per Ms. Lisa Holley, DPS Chief Legal Counsel.

Director Wall turned the meeting over to Mr. LeDoux. Mr. LeDoux stated that the Family Court Mental Health Clinic agreed to decrease its request to \$21,925. He also spoke to the various agencies to see if their requests for funding are solid numbers that can carry programs to September 30, 2014. The BHDDH Program, Transitioning from Prison, is requesting \$207,612. This project receives its referrals from the Department of Corrections. The clients are parolees, who are required to be in substance abuse treatment. Mr. Mongeau announced that BHDDH is willing to decrease its request to \$135,000. Director Wall stated that the Department of Corrections is the beneficiary of this program and asked Director Stenning to describe the program.

Director Stenning said the program began several years ago, because many inmates had to be maintained at the ACI, who were eligible for parole, but there were no adequate drug treatment programs available to them. As a result, they were staying at the ACI, which is a more expensive placement. The program was more successful than anticipated, and capacity exceeded available funding. Byrne funding supplements funding BHDDH currently spends in this area. It is all treatment money, and there are no administrative or staff expenses included in the grant.

Mr. LeDoux added that initially, the program wanted to increase available beds by ten. Less money will mean less beds, which would require more people to remain at the ACI. The decreased funding would eliminate three beds.

Mr. LeDoux said that at this point, \$128,624 still needs to be cut. He said there is an additional \$44,000 to work with that OJP granted Rhode Island, so the \$387,636 indicated on the chart is the accurate amount. LEPC set aside some money, and Mr. LeDoux suggested

shifting the NIBN technician at the URI Crime Lab to LEPC money, because the technician's work done on behalf of the local police departments.

Ms. Olivelli reiterated that the deficit is now \$128,674 with \$516,000 in requests and \$387,636 to distribute.

Public Defender McElroy asked about the Transitioning from Prison program; specifically, does the prison have Second Chance Act beds. Director Wall responded that Corrections does not have Second Chance Act beds. The idea of the grant is to bring the ACI to the point of becoming sustainable with its own funding. Public Defender McElroy asked if this program is cut from eight beds to five, how many beds does BHDDH have in total, and who decides who is placed? Director Stenning responded that one staff person manages this program. He said he does not know how many beds they have in total dedicated to this program, but there is a waiting list. Public Defender McElroy asked how long the waiting list is. Director Stenning said that it varies from week to week. The cost is \$79 per day for this program. He also stated that Parole gives the names to BHDDH, and they conduct an assessment. Some parolees are provided outpatient support, but for most cases assessed, it is determined that residential treatment is appropriate.

Mr. LeDoux reported that with 2011 grant money, there were 17 clients, a total of 2,104 bed days, and the average stay was 124 days. This is 4.1 months with an average cost of \$9,777 per client. There is also a \$1 million annual community service grant, which provides additional beds.

Director Stenning said the \$1 million supports 30 beds and 5 intensive outpatient treatment clients. Director Wall said his belief was that the grant supports 8 beds. Director Stenning responded that BHDDH deals in slots not people. Public Defender McElroy said she would like to know what the wait time is, because this grant receives a large percentage of the available Byrne money.

Director Wall stated that performance measures can be used to evaluate the effectiveness of these grant-funded programs. PSGAO staff has pulled together those performance measures by department. Mr. LeDoux has received some but asked those who had not already submitted their performance measures to please do so.

Mr. LeDoux reported that the Department of Corrections is only requesting another quarter-year funding to carry their program from July 1st to September 30th and 2013 funding for one quarter to carry them to December 31st. Director Wall said he is looking at other funding sources to take the burden off Byrne. They already have vendors for these projects.

Ms. Olivelli said that the Court's request consists of a portion for the Attorney General's Office. This is the only funding source for the Family Court program. Public Defender McElroy reported that she requested funding from the General Assembly, but she did not receive any FTEs or general revenue funding for Public Defender projects.

Mr. LeDoux stated that the Drug Court and Public Defender were giving money to other agencies, but the Public Defender now has state funds for its portion. The Attorney General's funding for the prosecutor helps offset the cost, but the Attorney General's Office is absorbing a majority of the position. The Department of Corrections is staffing the Drug Court with state funding, and Public Defender recently received state funding. BHDDH no longer participates, and the Drug Court Manager has taken over case management, and they need someone to take over the responsibility for statistics.

Mr. LeDoux reported that the Attorney General's Office had three people attend the last Law Enforcement Planning Task Force (LEPC) meeting. They were not asking for money for the precious metals data base, because they said that they would use Google money. Ms. Olivelli said that Ms. Holley had stated that Google money cannot be used for projects that are already in the budget. Public Defender McElroy asked if, as a result of these restrictions, can Google Settlement funds be used for existing programs.

Director Wall noted that the committee has such a small amount of money to grant that anything that could possibly be funded from other sources should be.

Colonel O'Donnell said that he could withdraw the State Police funding request for the NRT, and that money could go elsewhere. He said the request is currently \$65,000 for the State Police and \$40,000 for the Providence Police. Colonel O'Donnell said he would like to help the Central Falls Police, because their funding has been decreased so dramatically. He asked if it would be permissible to re-allocate some of the State Police NRT money to Central Falls. Director Wall said that this committee is not in a position to make these decisions here. Colonel O'Donnell said that he could give back some of the money, and in turn, asked that some of it be allocated to the Central Falls Police to cover their expenses of the Neighborhood Response Team.

Director Wall asked if the Adult Drug Court, State Crime Lab, and NRT could possibly be funded from other sources. He added that the Department of Corrections did this and asked if it was feasible to do so for other projects.

Ms. Olivelli said she would contact the Attorney General's Office and ask if their portion of the Drug Court grant could be funded through Google. The Court has some carry-over money, and the current request would cover three-quarters of the next fiscal year. Colonel O'Donnell suggested she speak with Deputy Attorney General Gerald Coyne.

Mr. McKenna stated that DCYF has exhausted its resources for their program. They had some funding from Farm Fresh RI, which has been exhausted. They took a reduction in funding previously, and at the present time they have one staff person under this grant.

Colonel O'Donnell added that Major Pinch is the best person to answer Google questions for the Rhode Island State Police. Colonel O'Donnell added that the Governor is allocating

\$15 million dollars of the State Police share of Google to cover the pension shortfall. The Attorney General's Office was not subject to any reductions. Colonel O'Donnell said he could give back some money, but he would like to give a portion of the State Police NRT funds to Central Falls, as they are in a very difficult situation. The Police Department has been reduced by one-fourth. Director Wall said that he would agree to help Central Falls. Colonel O'Donnell said troopers are being assigned to Central Falls to assist in the city.

Director Wall suggested that the committee adjourn, set another date, and try to identify which programs can be funded from other sources. The committee can then work with that revised figure. He asked committee members to forward their performance measures to Mr. LeDoux, so that members will have the information to help in the decision-making process. If there is still a deficit balance at the time of the next meeting, the committee will have to decide on eliminating funding for some programs, prioritize the programs, or make percentage cuts.

Public Defender McElroy asked committee members to take a close look at their budgets. Ms. Olivelli asked if Mr. LeDoux could forward the performance measures to committee members for review in advance of the meeting. Mr. LeDoux said his request was for one-page summaries to include program statistics. He requested that committee members send their summaries electronically so he can then forward them to committee members via e-mail.

Colonel O'Donnell asked PSGAO staff if they knew which direction the federal government is heading on future grant awards. Mr. Mongeau said that the Byrne Grant has not reached the floor yet, but he felt that it would be level funded. However, sequestration is still in place, so there may be further reductions coming. Colonel O'Donnell added that other organizations meet with their Congressional delegation to explain the importance of programs and the impact on potential funding cuts. He said that if members of this committee meet with Senators Reed and Whitehouse and talk to them about the issues it would be helpful, because they understand criminal justice needs. He said that meeting with them personally is a very powerful thing. They both have important roles in Congress. He recommended visiting them, or as a minimum, sending them a letter. Director Wall said he would be willing to meet with the delegation. Mr. Mongeau added that the National Criminal Justice Association advocates on behalf of the states on a national level.

Ms. Caruolo asked the committee to also consider the penalties that this grant is currently subject to. The Prison Rape Elimination Act is another penalty on these funds. She said that some states are finding that the mandates on the funding exceed the funding itself. Colonel O'Donnell said that if this funding source is eventually eliminated, it may be important for he and Director Wall to speak and decide on possible approaches, to include visiting the Rhode Island delegation.

Mr. LeDoux said that the Policy Board will be meeting during the third week in September to vote on the recommendations of this committee. The committee agreed to set the next

meeting date as August 15th at 8:30 a.m. at a location to be determined at the Department of Administration.

4. New Business

There was no new business.

5. Adjournment


Director Wall asked for a motion to adjourn. Public Defender McElroy moved:

TO ADJOURN THE MEETING.

Colonel O'Donnell seconded the motion.

**THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE, AND
THE MEETING WAS ADJOURNED.**

Respectfully submitted,



Barbara J. Laird
Recorder

Approved by:

Thomas Mongeau
Administrative Manager



A.T. Wall
Director
Rhode Island Department of Corrections